



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: State Board of Health

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
☐ Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- ☒ Immediately upon filing.
☐ Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☒ Yes ☐ No If Yes, explain: RCW 34.05.350 authorizes adoption of an emergency rule when necessary for the preservation of public health (see attached justification).

Purpose: Creates a new section WAC 246-282-006, needed to implement a sampling protocol and control plan designed to detect and prevent illnesses associated with the bacteria *Vibrio parahaemolyticus* (Vp) in shellfish. This plan is required for the summer months of 2007, when the presence of these bacteria is typically high and shellfish consuming public are at highest risk of potential illness.

Citation of existing rules affected by this order:

Repealed: N/A
Amended: N/A
Suspended: N/A

Statutory authority for adoption: RCW 34.05.350, RCW 69.30.030

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR on (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone
Address: fax
e-mail

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: DOH's monitoring efforts in 2006 followed the existing national standard approved by the FDA. Despite this, there were an unprecedented number of vibrio illnesses associated with Washington oysters in the summer of 2006. The emergency plan modifies the existing monitoring and control protocols to better identify the presence of high levels of Vp and help prevent vibriosis in humans. (See Attachment-Emergency Justification)

Date adopted:

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)
Craig McLaughlin

SIGNATURE

TITLE
Executive Director

(COMPLETE REVERSE SIDE)